Resolution No. 1
Republic of Korea: Revision of Trade Union and Labor Relations Adjustment Act

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NOTES

that the Republic of Korea has ratified the International Labour Organization (ILO) Conventions No. 87 and No. 98 in April 2021, and this means the government of Korea has committed to the international community to bring its law and practice in conformity with the conventions;

HOWEVER, OBSERVES WITH GRAVE CONCERNS

the situation of fundamental labour rights in Korea has not improved at all after the ratification. On the contrary, it has worsened and reached at a very serious level. After the Yoon administration took office in May 2022, a systematic government-led smear campaign against trade unions, along with administrative interference into union operation and judicial harassment of union activities, has severely curtailed freedom of association. Both the Korean Confederation of Trade Unions (KCTU) and the Federation of Korean Trade Unions (FKTU) are excluded from various tripartite committees and social security governance bodies for rejecting the government's illegitimate interference on union operation. As of today, 37 officials and members of the Korean Construction Workers' Union (KCWU-KCTU) were arrested and 29 are still in jail for their union activity. The general secretary of the Federation of Korean Metal Workers' Trade Unions (FKMTU-FKTU) is still under detention after he was brutally beaten and arrested by the police during his peaceful protest for subcontracting workers' rights;

REITERATES

that for decades, ILO supervisory bodies along with United Nations human rights bodies have criticised that numerous provisions in the Trade Union and Labour Relation Adjustment Act (TULRAA) are not in conformity with the international labour standards. It includes the narrow definition and interpretation of 'worker' and 'employer' that exclude a wide range of workers in non-standard forms of employment, restriction on collective bargaining rights and prohibition on collective action of teachers and public officials, a narrow range of justifiable strike that allows a broad range of criminal and civil sanction for union activity, and more;

STRONGLY CONDEMNS

the government of Korea on its continuous use of this restrictive TULRAA to repress trade union activities, instead of amending it to bring it in line with the ratified conventions on freedom of association and collective bargaining. For example, the government mobilises
the Fair-Trade Act and Fair-Trade Commission to repress trade union activities of cargo truckers and construction equipment operators insisting that they are not ‘worker’ and their activities are ‘illegal cartel’ instead of collective action. Daewoo Shipbuilding and Marine Engineering (DSME) foisted a 47 billion KRW (approximately USD 35.6 million or EUR 32.3 million) lawsuit on five union leaders relating to missed production targets during a strike. This is unacceptable;

**FULLY SUPPORTS**

the Korean trade unions’ action to revise the TULRAA. Currently, the amendment bill to the Article 2 and Article 3 of the TULRAA is pending in the plenary of the National Assembly, to broaden the definition of ‘employer’ to guarantee the right to bargain collectively of subcontracting workers with their real employer and to broaden the range of justifiable strike. This is a just starting point to bring the law in accordance with the fundamental convention which the Korean government has already ratified. The National Assembly should not delay the process to pass the bill; and

**STERNLY URGES**

the government, especially the presidential office, not to veto the bill when it would pass the plenary of the National Assembly, as it has suggested so far. Vetoing the bill means the government has no political will to implement its international commitment and to meet its obligation as a member state of the ILO. What the government should do is not vetoing the bill but taking every measure to further revise the law to fully guarantee the fundamental rights for all workers.